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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,122	03/15/2002	Dennis J. Argazzi	LC-325-PCT-US	8098
7590 04/29/2004			EXAMINER	
Hoffmann & Baron 6900 Jericho Turnpike Syosset, NY 11791			RAJGURU, UMAKANT K	
			ART UNIT	PAPER NUMBER

1711

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/088,122	ARGAZZI ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Umakant K. Rajguru	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                            | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other:  |

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1. Claims 1-30 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark Jr et al (US 5272216).

Clark discloses a system & a method for remotely heating a polymeric material to a selected temperature. The system comprises particulate ferromagnetic material dispersed throughout the polymeric material (abstract). Any thermosetting plastic material is suitable (col. 5, line 39-42). Ferromagnetic material is used at from 0.1 to 10.0% by wt (col. 4, lines 63-65). A ~~p~~eroxide such as benzoyl peroxide is used as an additive (col. 7, lines 54-55).

Claims 1-11 and 20 therefore lack novelty.

3. Claims 1-11 and 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark Jr et al (US 5272216).

It would have been obvious to follow teachings of Clark and arrive at instant invention.

4. Claims 12-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US 5272216) as applied to claims 1-11 above, and further in view of Takiyama et al (US 4814365).

Clark does not mention the specific peroxide of instant claim 12.

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*nk* Takiyama describes <sup>curable</sup>~~curable~~ resin composition in which (claimed) peroxides are used as curing agent (col. 8, lines 32-49). Also a filler, a reinforcing agent, a coloring agent etc. may be blended into the composition (8, lines 62-65). Calcium carbonate is used (col. 9 lines 3-4).

Hence it would have been obvious to use for the composition of Clark (a) a peroxide of Takiyama as a material of choice and (b) a coloring agent for imparting a specific color and (c) calcium carbonate to modify viscosity.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US 5272216) as applied to claims 1 and 13 above, and further in view of Morita et al (US 6239245).

Clark does not mention the specific catalyst of claim 16.

Morita describes resin additive and a curable resin composition. The composition consists of (A) one polysiloxane (B) another polysiloxane and (c) a platinum type catalyst (col. 3, lines 6-10). A platinum complex is also used (col. 8, lines 1-18).

It would therefore have been obvious to use platinum complex as catalyst in the material of Clark in order to form the composition in fine spherical shape.

6. Claims 18 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US 5272216) in view of Tokiyama et al (US 4814365) as applied to claims 1 & 13 above, and further in view of Komitsu et al (US 6642309) (as applied to claim 18) and Morita et al (US 5691409) (as applied to claim 19).

Clark & Tokiyama together, do not mention inhibitor of claims 18 & 19.

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Komitsu discloses composition in which alkyl maleate is used as an accelerator for curing (col. 11, line 46).

Morita discloses composition comprising filler/s which are incorporated after being treated with hexamethyldisilazane (col. 5, line 60-65).

Hence it would be obvious to use alkylmaleate and hexamethyldisilazane in the composition of Clark for enhanced & efficient curing.

7. Claims 12 and 19 are objected to because of the following informalities:


*WKS* Words "cumemhydroperoxide in claim 12 and 'hexamethyldisilizane" in claim 19 should resp be "cumene hydroperoxide" and "hexamethyl disilazane". Appropriate correction is required.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is (571) 272-1077. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
U. K. Rajguru  
April 23, 2004

  
James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700